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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,040	02/12/2002	Youichi Hanakawa	1553-017	3014

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EXAMINER

DICUS, TAMRA

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,040

Applicant(s)

HANAKAWA, YOUICHI

Examiner

Tamra L. Dicus

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Office Action is responsive to Applicant's amendment filed April 12, 2004. The cancellation of claims 1-6 are acknowledged. The prior rejections are withdrawn due to Applicant's cancellation of the claims and arguments to the structure of the sticker. The finality of the Office Action mailed is hereby withdrawn in view of the new ground of rejection set forth below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 7, 9, and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,622,761 to Cole.
2. Cole provides a unique "double-sided" sheet product (functional equivalent to sticker) which is surfaced on two sides with releaseable adhesive, but which allows for easily releaseable separation from the surfaces to which it is attached. The sheet product can be in the form of a note or tape (col. 2, lines 36-44). In Figure 4A, Cole shows an adhesive design in this order from top to bottom: a first adhesive adjacent an edge (toward the top), a first area free of adhesive (instant claim 13), a second adhesive (towards the middle) and a second area free of adhesive on

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the surface of a sheet (2). The widths measured in direction L wherein a width of said second area, as measured in a direction from the edge adjacent to the first adhesive region to the opposite edge, is larger than a width of said second adhesive region, as measured in said direction. The adhesives are rectangular and extend parallel to the opposite edges of the sheet as required by instant claim 11. A width of said first area (A arrow points to the area), as measured in said direction, is smaller than the width of said second area (section below the second 4) as shown also in Figure 4A as required by instant claim 12. See also col. 4, lines 65-68 and col. 5, lines 1-20.

3. Cole also provides wherein said first and second adhesive regions include adhesives that releasably adhere to a material of another major surface (another surface of sheets 2 and 2' in Figure 8 or sheets 50a and 50b in Figure 14 or sheets 2 in Figure 11), so that said sticker can be peeled off a stack of multiple stickers identical to said sticker as according to instant claim 14. See also col. 7, line 62-col. 8, line 50. Col. 7, line 55 of Cole also teaches the releaseability of the adhesive used.

4. Also shown in Figure 4A, the opposite edge of the sheet material is free of adhesive as per instant claim 15.

5. To instant claim 9, the third adhesive region is spaced between a first and second adhesive region when another double-sided sheet with the third adhesive contacts the major surface of the other double-sided sheet as shown in Figure 11 on the top surface of the sheet at the bottom. See also col. 7, line 62-col. 8, line 20.

6. Claims 7, 11, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Haines.

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7. Haines teaches a sticker (label) with 2 surfaces a first and second adhesive regions. See Figure 5. The first adhesive region (42) is disposed adjacent an edge. The second adhesive (44) is spaced from first adhesive region and opposite edge and has second area (38) being free of adhesive. Also second area is larger than width of second adhesive region. Also see col. 1, lines 40-50.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,622,761 to Cole.

Cole is relied upon above. Cole does not expressly teach a width of 15 mm (instant claim 8) or a width of a second area is about one-fifth or more of a length of a sheet material (instant claim 10). However, changes in widths are merely optimizable. It would have been obvious to one of ordinary skill in the art to modify the length or distance because it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272. The width effects the coverage area and thereby the overall releasability of the sheet as explained by Cole at col. 5, lines 19-27.

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Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 4312523 to Haines teaches a label for container having spaced adhesive designs. USPN 6402872 to Key teaches a rotating label system having spaced apart adhesives. USPN 2510120 to Leander teaches any pattern of adhesives on paper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 17, 2004

[tld]

CYNTHIA H. KELLY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

